

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

TAMMY BRICKEY, et al.,

Plaintiffs,

DECISION AND ORDER

06-CV-6084L

v.

DOLGENCORP, INC., et al.,

Defendants.

Defendants moved for leave to file a surreply concerning a pending motion (Dkt. #168). After due consideration, the Court granted the motion (Dkt. #169). By letter dated October 28, 2009, filed that same day (Dkt. #170), plaintiffs seek an opportunity to oppose the motion to file a surreply or, in the alternative, to file a response to that surreply.

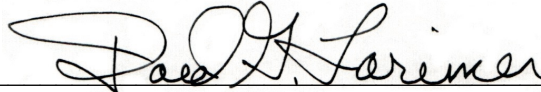
I consider plaintiffs' motion in the nature of a motion for reconsideration and deny it.

The Court has ample information before it on the pending motion. If it believes further briefing is necessary, the parties will be so advised. If argument is scheduled, either side can request leave to file post-argument briefs.

CONCLUSION

Plaintiffs' response (Dkt. #170), which I treat as a motion for reconsideration, is denied.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
October 30, 2009.